



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 26, 2024

VIA ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

MEMO ENDORSED

Re: *Markowitz v. Securities and Exchange Commission*, No. 23 Civ. 4495 (JGLC)

Dear Judge Clarke:

This Office represents defendant Securities and Exchange Commission (the “SEC”) in the above-captioned action brought by plaintiff Alan J. Markowitz (“Plaintiff”), seeking declaratory and injunctive relief to prevent the SEC from continuing an administrative action it instituted against him on February 28, 2023 (the “Administrative Proceeding”). I write on behalf of both parties to this action, pursuant to the Court’s August 13, 2024 order directing the parties to provide the Court with a joint letter regarding the impact of *SEC v. Jarkesy*, No. 22-859 (U.S. 2023) on this case (ECF No. 19), to provide the Court with an update on the status of this action and request that the Court continue the stay of this action for four weeks, until September 23, 2024.

As the parties discussed in their August 12, 2024 letter to the Court (*see* ECF No. 18), on August 2, 2024, the SEC Division of Enforcement moved the Commission, unopposed, to dismiss the Administrative Proceeding against Plaintiff without prejudice. At present, the Commission has not ruled on that motion. However, the parties anticipate that if the Commission grants the motion, this action, seeking to enjoin the SEC from continuing the Administrative Proceeding, will become moot. If this action becomes moot, the parties will stipulate to its dismissal without prejudice. Accordingly, the parties respectfully request that the Court continue the stay of this action for four weeks, until September 23, 2024, at which time they will provide the Court with a further update on the status of the Administrative Proceeding. The parties believe a continued stay of this action will conserve the parties’ resources and serve judicial economy.

We thank the Court for its attention to this matter.

Respectfully,


DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By: /s/ Tara Schwartz
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The parties shall file a joint status letter no later than **September 23, 2024**. The stay in this case is hereby EXTENDED to **September 23, 2024**.

The Clerk of Court is directed to terminate ECF No. 20.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: August 27, 2024
New York, New York